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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,933	09/15/2003	Boris Usherovich		8396

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Boris Usherovich
260 Rathbun Avenue
Staten Island, NY 10312

EXAMINER

HECKERT, JASON MARK

ART UNIT	PAPER NUMBER
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1746

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/661,933	Applicant(s) USHEROVICH ET AL.	
	Examiner Jason Heckert	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/25/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.
2. Claims 1-31 have been withdrawn from consideration and the previous rejection is therefore moot. Claims 32-34 have been added.

Claim Objections

3. Claim 32 objected to because of the following informalities: The phrase "configured flash" should read --configured flush--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 34 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no reference to the "self-cleaning lint-trap" mentioned in claim 34 in the specification.
6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 33 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 34 recites the limitation "air vent system" in the final line. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 34 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 34 recites the limitation "the P-trap" in the final line. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanigawa et al. in view of Rhodes and further in view of Imamura et al. Combination washer dryers are common in the art. Tanigawa discloses an automatic washing machine fitted for drying comprising a cabinet 141, a front loading drum 143, a door 212, a water supply 90, a drain 98, a dehumidification hose 53 with condensing capabilities (col. 11 line 37), as well as a motor 148 and various process control and programming means (col. 30 lines 38-40). Tanigawa et al. does not disclose a sink with a faucet mounted on top of the unit. Rhodes discloses a sink on top of a standard

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washing machine (figure 1) that is adapted with a drain for the removal of sink and wash water (col. 1 lines 53-67). This aids in the pre-washing of clothes. Furthermore, changes in shape or form have been held to be obvious. *In re Dailey* 149 USPQ 47, 50 (CCPA 1966). A pitched sink is nothing more than a change in shape, and functionally equivalent to the sink disclosed by Rhodes. Considering this is a household unit, the water supply to the faucet and the tub must originate from the same location. Tanigawa et al. does not disclose a tank-like expansion attached to the lower part of the cabinet for the accumulation of water used in stabilization. Imamura et al. discloses a water tank 15 attached to the cabinet to avoid noise and vibration (col. 15 line 64 – col. 16 line 7). It would have been obvious at the time of the invention, to modify Tanigawa et al and include a sink of pitched shape to aid in pre-wash as taught by Rhodes, and include a water tank to provide additional support and dampen vibrations as taught by Imamura.

11. Tanigawa does disclose a lint trap 16 as well as a check valve 51, but does not disclose a P-trap in the unit. P-traps are well known in the art of moving fluids and are commonly used in drains, such as that of household sinks and toilets, to lock in sewer odors. Their use cannot be considered novel, and furthermore some sanitation codes mandate their use. A P-trap serves an equivalent function to that of the check valve in the claimed invention. It would have been obvious at the time of the invention to include a P-trap in the drain of Tanigawa, in order to prevent odors from the sewer to permeate the apparatus and eventually the house in which it is installed.

12. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanigawa et al. in view of Rhodes and further in view of Jeong et al. Neither Tanigawa

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nor Rhodes disclose the waste air and waste water as being connected to the same drain. Jeong et al. discloses a drain duct 11 that is fluidly connected to both the air duct 40 and the washtub 3 via drain valve 13 in a washer/dryer. Furthermore, Jeong et al. disclose a method in which the air leaves the apparatus via duct 11 during a drying process (col. 5 line 31-42). As stated above, P-traps are known in the art. It would have been obvious at the time of the invention to modify Tanigawa in view of Rhodes, as stated above, and further modify the invention by connecting the waste lines for air and water to perform a drying step as taught by Jeong et al.

13. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanigawa et al. in view of Rhodes and further in view of Wright. Tanigawa does disclose a lint trap as stated above, but does not disclose it as being washable or self-cleaning. Self-cleaning lint traps are well known in the art. Wright discloses a lint filter 10 to be disposed in the drain 101 of a household washing machine that is cleaned without removal. The apparatus utilizes gravity to clean the filter (col. 2 lines 59-67) and therefore reads on "washable" and "self-cleaning". It would have been obvious at the time of the invention to modify Tanigawa in view of Rhodes, as stated above, and further include the lint trap of Wright, as it is a known equivalent to that used by Tanigawa.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. This action is a **final rejection** and is intended to close the prosecution of this application. Applicant's reply under 37 CFR 1.113 to this action is limited either to an appeal to the Board of Patent Appeals and Interferences or to an amendment complying with the requirements set forth below.

If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or claims appealed. The Notice of Appeal must be accompanied by the required appeal fee of \$250.

If applicant should desire to file an amendment, entry of a proposed amendment after final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier. Amendments touching the merits of the application which otherwise might not be proper may be admitted upon a showing

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a good and sufficient reasons why they are necessary and why they were not presented earlier.

A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Heckert whose telephone number is (571) 272-2702. The examiner can normally be reached on Mon. to Friday, 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH



MICHAEL BARR
SUPERVISORY PATENT EXAMINER